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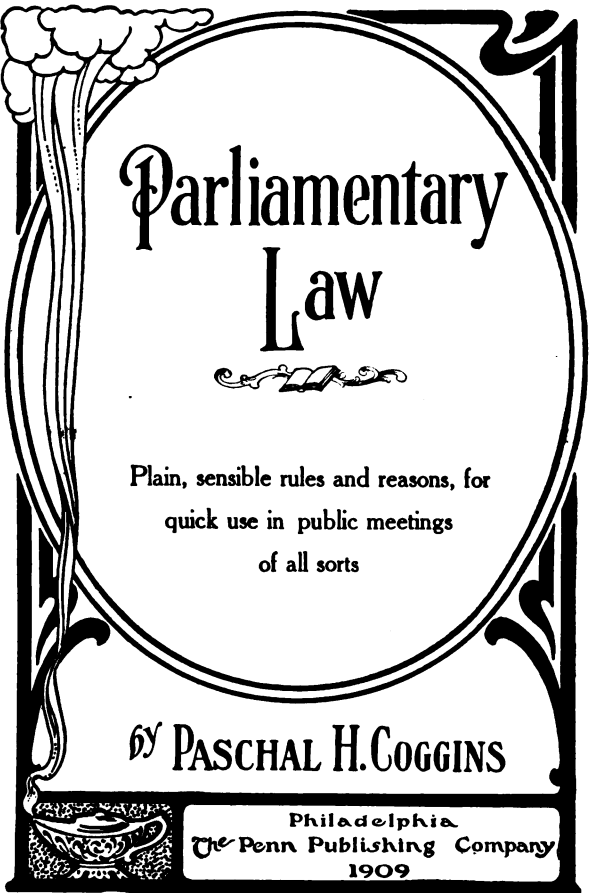


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PARLIAMENTARY LAW

— COGGINS —

KC 5127



Parliamentary Law



Plain, sensible rules and reasons, for
quick use in public meetings
of all sorts

by PASCHAL H. COGGINS



Philadelphia
The Penn Publishing Company
1909

KC 5127



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Parliamentary Law

Introduction

UNDER modern conditions it is hardly too much to assert that, in the United States, every man, woman and child should have some knowledge of what is commonly called Parliamentary Law. With our multitude of business, social, charitable and religious organizations, nobody is wholly exempt from the obligation, now and then, to preside over some meeting, present and advocate some measure, or otherwise take part in public debate. This condition is the necessary outgrowth of our political and social form of government, and will be increasingly common in the future. It is the realization of this fact, and the need which results from it, which constitutes the call for this little book.

There are of course numerous manuals dealing with this subject, but, for the most part, they are either too technical—being intended chiefly for the guidance of the larger legislative bodies—or too expensive, for popular use. While such a manual should not be overloaded with legal

reasoning or rendered dull by references to ancient precedents, it should, nevertheless, contain such explanations of the accompanying rules as may aid in their intelligent comprehension and just administration.

As to the rules themselves. They are for the most part the result of generations of experience, and are accepted in all well-regulated English-speaking, deliberative bodies. In those instances in which there is a difference of judgment among respectable authorities, we have chosen the rule which seems best adapted to popular, rather than technical use.

P. H. C.

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Parliamentary Law

I

HOW TO ORGANIZE TEMPORARY MEETINGS

WE will first consider the method of organizing public meetings, political conventions, and other parliamentary bodies of a merely temporary character. At first thought the organization of these transient gatherings would seem to require much less attention than those whose existence and functions are to continue for years. To a great extent, however, the contrary is true. If a corporation or a debating society makes a mistake in the selection of its first set of officers, or in the character of its original By-laws, such a mistake may soon be corrected, and with no great injury in the meantime. As, however, the functions and life of most temporary organizations terminate with a single session, and as their action is frequently of great public importance, the matter of the selection of the officers who are

to direct their procedure requires most careful attention.

If, for example, the chairman of a political convention is incompetent or grossly unfair—if, for illustration, he “gives the floor” to none but his factional friends at the critical point in debate, or “packs” committees in a way to secure such reports as shall serve his personal ends—he can frequently override and thwart the actual will of the majority. Parliamentary practice, therefore, has long recognized the wisdom of a procedure by which most careful consideration can be given to the choice of officers in these temporary meetings. It is known as a “temporary” or “preliminary” organization, and will be described later in this chapter.

Meetings of this character are usually based upon a “call” or notice, prepared and published, or circulated by a number of persons who are particularly interested in the subjects to be considered, or the action to be taken.

AS TO THE “CALL”

This call should always be signed by some individual or committee, or otherwise make clear the source from which it comes. Those who are

invited to such a meeting have the right to know from whom the invitation comes. It should also be carefully framed as to scope and purpose. Any uncertainty upon these points almost certainly results in confusion and often in misunderstanding among those who attend. If, for example, a call is intended to bring about a meeting in support of Civil Service Reform, it should invite only those "who favor the continuance and extension of the principles of Civil Service."

If it should read merely "to consider the matter of the continuance and extension of the principles of Civil Service Reform," those opposed to the reform would be as fully entitled to attend and participate, as those who support it. The calls for political conventions usually enumerate the offices for which candidates are to be nominated.

At the time and place appointed, some signer of the call or some person authorized to do so, calls the meeting to order, and asks for the nomination of a temporary chairman and secretary. When these have been elected, the temporary chairman asks for the reading of the call or notice by reason of which the meeting or convention is to be held. When, in this way, the object

of the assemblage has been clearly presented, the temporary chairman calls for nominations for permanent officers. Very often, at this point, a motion is made that a committee be appointed to report nominations for the permanent organization. If the meeting is one composed of persons acting in a representative capacity, as in a political convention, a Committee on Credentials should be appointed before the actual election of a permanent officer. This committee may be appointed by the temporary chairman, or elected by the members, as the convention, itself, shall decide. In choosing this committee no person should be chosen as a member whose right of membership in the convention is in dispute. Strictly speaking, the election of permanent officers should not take place until after the receipt and report of the Committee on Credentials. When, however, the report of the Committee on Permanent Organization is satisfactory to such a large proportion of the convention that the vote of the contested members would not defeat it, it may be adopted at once, and the permanent officers installed without awaiting the action of the Committee on Credentials.

II

PERMANENT ORGANIZATIONS

MOST associations of a permanent character base their existence, not upon a "call" or notice, but upon some more formal document. It may be an Act of Congress, a law of the legislature, a charter granted by the state, or a constitution formulated by some superior body, or by their own members. This creative or fundamental document, whatever its source or special nature, is in law the charter by which the rights and obligations of the new organization must be measured. In addition to the charter it is necessary to have a code of By-laws, or rules of action, by which the detailed procedure of the body shall be regulated. Generations of experience have resulted in the formulation of a body of principles by which, with minor variations, all English-speaking bodies now govern their deliberative action. These are so numerous that it is not customary to set them out in the By-laws. They are embodied in Manuals of Parliamentary Procedure,

and the method of their adoption is by the enactment of a single By-law providing that this or that manual shall constitute the rule of decision in all cases not specifically covered by the By-laws.

THE CONSTITUTION

The constitution or charter should contain only those permanent and fundamental provisions which are necessary to give life and form to the organization. It may be roughly compared to the human body, while the By-laws and Rules of Procedure correspond to the vital powers by which the body is capable of efficient action. The charter should never attempt to deal with matters of detail. The By-laws and Rules of Procedure, on the other hand, must be sufficiently voluminous to cover all probable situations arising in the course of its organized existence. The By-laws, being less fundamental in their character, are more frequently and easily changed to meet changed conditions. For the guidance of those using this manual, we have included therein a form of Constitution and By-laws which will be found adequate as the basis of any ordinary club or society.

WHAT TO DO FIRST

When a number of persons have met for the purpose of creating a new association it is important that those having the matter in immediate charge should have a clear idea of the course to be pursued. Promptly on the appointed hour some one most interested in the matter should call the meeting to order, and, when all present are seated and attentive, should proceed briefly to state the object of the meeting. He should then call for the nomination of a temporary presiding officer and secretary, to hold their positions only until the Constitution and By-laws shall have been adopted. These officers being chosen, the meeting proceeds at once to complete its organization. If it is to operate under a charter already granted by public authority, the document should be carefully read aloud, that all may understand the extent of the authority which they are about to assume. If the society is to form its own constitution, the work is usually delegated, in the first instance, to a committee, which prepares and reports such a document as it considers best adapted to the purposes of the society. Of course the report of such a committee is not final. Its work may be altered and amended by the

meeting until it fully meets the views of the majority. By a similar method a code of By-laws is created and adopted.

A MANUAL OF ORDER NECESSARY

It is customary, in one of the By-laws, to specify some manual of parliamentary practice which shall be accepted as the final authority upon all disputed questions of order and procedure. Unless this is done the presiding officer, in rendering his decisions, is without any authoritative guide, and endless and pointless discussions and disorder are likely to result. The Constitution and By-laws being finally adopted the society proceeds to the election of its officers and the formation of its committees. Elections of officers, when it is not otherwise expressly provided, are to be decided by a plurality vote—that is, the person receiving the largest number of votes for the office is elected, although he may have received less than half of all the votes cast. If it is desired to apply the majority principle to the election of officers,—that is, to require more than half of all the votes cast to constitute an election,—it must be so provided in the By-laws. When the Constitution, By-laws, officers and commit-

tees have been adopted and chosen, the organization is ready for business.

From this point its transactions are to be guided and controlled, for the most part, by its Rules of Procedure, or, in other words, by Parliamentary Law, to which we will now turn our attention.

THE PLAN OF THIS BOOK

After enumerating and explaining those Rules of Procedure which, with slight variation of detail, prevail among all American deliberative bodies, we shall attempt to present the more important of them as they appear in actual use. This will be done by such illustrations as, it may be hoped, shall tend to make concrete that which is usually given only in the abstract. Long experience has convinced us that, to a large number of minds, the method of presentation by illustration is by far the most efficient. To those to whom the mere statement of a rule is all-sufficient, the added illustrations can do no harm.

Wherever, hereafter in this manual, there is occasion to refer to an imaginary organization for purposes of demonstration, we shall speak of it as the "club." This will be merely for the sake of brevity and definiteness in expression, and the

word "club" must be understood to include all common forms of organization, such as societies, associations, lodges, and so forth. The rules and explanations applied to one are equally applicable to the others. From the very nature and purposes of this book—to say nothing of its limitations as to size—it is not intended to deal at length with those peculiar rules which apply solely to the larger legislative bodies, such as the Congress of the United States, and the state legislatures. It must, nevertheless, be borne in mind that, so far as they are required, the same underlying principles apply alike to the British House of Lords and an American village debating society. The difference is in form and quantity and not in principle.

III

QUORUM

It is of course necessary that there should be some rule as to the number of members required to constitute a legal meeting of the club. Otherwise a very few persons might come together and take such action in the name of the club as would be directly opposed to the wishes of the members at large. This required number is known in parliamentary law as a quorum. It is sometimes fixed by law, but, if not so fixed, it must always be provided for in the By-laws. In cases not covered by law, or by the By-laws of the club—as, for example, at the meeting of a committee—the majority of the whole number of members is necessary.

ENFORCING A QUORUM

Without a quorum having once been present, no business can be transacted. A smaller number, however, have power to fix a time for future meeting and to take such action as is possible un-

der the By-laws to procure the attendance of the missing members. In bodies charged with great public duties, like the House of Representatives, this power to compel attendance is enforced by what is known as a "Call of the House." This proceeding consists in directing the sergeant-at-arms to arrest all absent members and bring them to the bar of the House for explanation or punishment. In smaller organizations no such severe measures are taken.

If a quorum is present when the meeting is called to order, the secretary should either note that fact in his minutes, or give the names of all members in attendance. This gives the meeting the right to proceed with the transaction of business, and the law presumes the continuance of the quorum until some action is taken, the record of which shows that no quorum is present.

If a quorum is actually present the meeting may proceed with business, although, upon a call of the roll, a quorum may not answer to their names. If a meeting could be paralyzed by so simple a method as the mere refusal of two or three members to answer to their names—thus making a false record as to the number present—and a moment later could be restored to its full

powers merely by voting against a motion to adjourn, its condition would be futile and ridiculous in the extreme.

One eminent parliamentarian went further than merely to count silent members as present for the purposes of maintaining a quorum. The law or the rules of Congress provided that no legislation could be enacted by the House of Representatives unless the record showed that a *quorum of the House voted upon the question of its passage*. Upon the question of the passage of certain important legislation, a sufficient number of members, who were present and opposed to the bill in question, refused to answer to their names, and thus reduced the number of votes actually cast to less than the required quorum. The Speaker (Thomas B. Reed) thereupon directed the clerk to record the recalcitrant members as voting against the bill. This being done, the record showed that a quorum of the House had voted on the passage of the bill; but the addition to the negative vote was by no means sufficient to overcome the affirmative majority. The Speaker thereupon announced that the bill had passed.

His reasoning was that while the members have the right to vote against any proposed legis-

lation, they have not the right to block the interests of Congress by having themselves falsely recorded as absent, when in fact they were visibly present. Being present, it was their duty to vote, and the Speaker very practically enforced this duty. In doing this, no real injustice was done. The opposition to the bill were given the benefit of the negative votes which presumably belonged to them. If, on the other hand, any member so recorded actually wished to have his vote recorded in favor of the bill, the clerk was directed to enter it according to his instructions.

If the silent members had undertaken to escape this ruling by actually leaving the capitol, it is altogether probable that they would have been summoned, and if necessary, arrested and brought back by the sergeant-at-arms under the proceeding known as the Call of the House, already described in this chapter.

WHEN LESS THAN A QUORUM IS PRESENT

If, through the withdrawal of members, the meeting is reduced to less than a quorum, any member may call the attention of the presiding officer to this fact, and ask that those present be counted, or, upon any vote being taken, a member

may require either a roll-call or a division. Either of these proceedings will bring the matter officially to the attention of the presiding officer. If, upon a count, he ascertains that there is no longer a quorum in attendance, he must at once declare the meeting incapable of transacting further business. The meeting must then take steps to procure the attendance of the absentees, or adjourn.

As a matter of fact, where there is no objection, a great deal of routine business is transacted in the absence of a quorum. This, however, cannot be done against the objection of even a single member. To secure the attendance of a quorum, some organizations provide by rule that no member shall be permitted to withdraw from the meeting during its session without obtaining the consent of the presiding officer. It is only courteous to ask this consent in any meeting, even when the rule does not demand it. Others provide a fine for non-attendance without an acceptable excuse therefor.

IV

ORDER OF BUSINESS

To enable the club to proceed methodically with the transaction of its business it is necessary that it should take up its routine work in some convenient and predetermined succession. Otherwise the meetings would continually fall into disorder. It is therefore universally the custom to provide, either in the by-laws or rules of procedure, an Order of Business. The following will be found adapted to the ordinary meeting.

1. Call to Order.
2. Roll call.
3. Reading the minutes of the last meeting.
4. Report of Treasurer.
5. Reports of Standing Committees.
6. Reports of Special Committees.
7. New Business.
8. Deferred Business.
9. Adjournment.

ORDER OF BUSINESS NOT ALWAYS THE SAME

The foregoing orders cover the scope of business which may be said to be common to all deliberative organizations. Each organization has, however, some specific purpose of its own: It is either literary, dramatic, charitable, social or of a business nature. It is necessary, therefore, that it shall have one or more orders of business peculiarly suited to its own purposes. Thus, if the club is organized for the purpose of advancing its members in literary knowledge, there should be an order such as, Original Essay, Select Readings, Debate, and so forth. These orders should be inserted, at the option of the club, at any point after the reading of the minutes. In some bodies it is customary, instead of orally calling the roll, for the secretary to note the names of all in attendance, and to announce to the presiding officer the presence of a quorum. In some organizations, too, it is customary to read the minutes of the current meeting before adjournment instead of postponing them to the next meeting. This has the advantage of bringing the minutes (usually in the form of pencil notes) to the attention of the same persons who were present at the transactions described and while the

matters involved are fresh in everybody's mind. The corrections, if any, are thus made before the minutes are entered in the minute book and a more orderly record is preserved. If this order is preferred, of course, the suggested order of business should be modified by placing the "Reading of Rough Minutes" immediately before the "Adjournment."

New Business consists of matters which are brought before the club for the first time. Deferred Business includes all business which has been partially transacted and postponed from a former meeting.

THE PRESIDING OFFICER

The skill of a presiding officer is shown by the thoroughness and promptness with which he can guide the meeting through its order of business. He must, on the one hand, see that everybody has a fair opportunity to bring all proper business before the meeting at the proper time, while, on the other, he must be alert to see that neither enthusiasm, loquacity nor accident shall lead the meeting away from its allotted path. He will have no nicer question of judgment to determine than the exact point or limit to which a discus-

sion should be allowed to go before recalling the speaker to the matter before the house.

If the more important business of the club will afford the time, it is well to have an order of business, well down toward the foot, under which members shall be allowed to bring forward any matters which they may regard as of general interest, even if they are not strictly of a business nature. Under such an order the more stringent rules of procedure should be laid aside in the interests of mere entertainment or information.

It is entirely proper, upon reaching an order of business which cannot at the time be satisfactorily proceeded with—as the report of the treasurer, while the treasurer is absent—to pass it temporarily, taking up the next order and returning to that which has been passed later during the meeting.

V.

RIGHTS OF MEMBERS

ALL members of deliberative bodies are equally entitled to its privileges, and are under equal obligations to obey its regulations. Each has a right to propose and advocate such measures as seem to him proper and wise, and each in turn must be ready to surrender his judgment to that of the majority. He must so exercise his rights as not to deny equal rights to his fellow members. He must at all times endeavor to be courteous and considerate of the feelings of others, and should be prompt to apologize for any unintentional harshness of speech or manner into which he may be led in the heat of debate. One excellent precaution against unseemly expressions is to avoid personalities and invariably to address remarks to the chair. In the higher Parliamentary bodies a failure in either of these respects is considered a gross violation of propriety. A member is at liberty to combat the views of his opponents as vigorously as he may

choose, but he must not impute improper motives to his adversary nor use abusive or discourteous speech.

ATTENDING TO BUSINESS

The obligation to observe order while others are speaking should be borne carefully in mind. A little observation will show how slight an act can cause disorder and inconvenience in an ordinary meeting hall. Whispering, laughter, and amusing side remarks accomplish much annoyance, and should be carefully avoided and instantly suppressed.

In case of wilful and persistent disturbance of the meeting, all deliberative bodies have the right of self-protection. If the wrong-doer is a member, he may be reprimanded, and if the offense is gross, expelled from the meeting, and suspended, or expelled from membership. If he is not a member he may be expelled from the meeting and delivered into the hands of the police.

Much confusion arises from the natural impulse of several members to speak at once when the motion before the house is one of general interest. There are two very simple rules, the observance of which by the members themselves

will at once greatly lighten the duties of the presiding officer, and aid in the full and fair discussion of the subject in hand. First, each member is entitled to speak only once upon any subject until all other members have had the opportunity of being heard. Second, subject to the above limitation, the floor belongs to him who first rises and addresses the chair.

AVOIDING PERSONALITIES

It is a violation of parliamentary law for a member to refer to another by name in debate. Some convenient mode of description should be adopted, as "the gentleman upon my right," or "the gentleman who last addressed the chair," or other similar reference. A violation of this rule may subject the speaker to a "call to order" by the chair. Restrictions of this kind are not mere forms. They tend to preserve the dignity of the meeting and to avoid all approach to those personalities of speech which so frequently cause offense and confusion.

A member who is addressing the chair should not be interrupted by another member otherwise than by a point of order, or for the purpose of some necessary explanation.

VI

THE OFFICERS AND THEIR DUTIES

THE necessary officers of every Club or Society are :

A President,
One or more Vice-Presidents,
A Secretary, and
A Treasurer.

If the duties of the Secretary or Treasurer are very considerable and involve much correspondence, a Corresponding Secretary or a Financial Secretary may be added to the list of officers. If, on the other hand, the duties of Secretary and Treasurer are light, these two offices are sometimes combined and their duties performed by one person. He is usually called the Secretary-Treasurer. If the nature of the club requires it, a sergeant-at-arms may be added to the above list. In official bodies transacting much and important business, such as the state legislature, many other officers are necessary, but their enumeration here would be merely confusing.

THE PRESIDENT

The President is the executive head of the club, and is so important to its success that it is worth while fully to set forth his qualifications and duties. He must be courteous, prompt, and decided in his manner. He must have a clear knowledge of his own power and duties, but must always remember that the power in his hands is to be exercised for the good of the club, and not as a mere exhibition of his own authority.

His official duties are :

1. To represent the club upon all public occasions as its official head.

2. To preside at all meetings of the club at which he is present ; to maintain order, and to see that the business of the club is transacted promptly and thoroughly.

3. To decide all questions of order arising during the meeting ; to appoint all committees, not otherwise provided for ; to check any violation of the Charter or By-laws, and generally to protect the interests of the club, and see that it successfully performs the purposes of its organization.

He should be impartial in his treatment of the members, and see that all have an opportunity to

participate in the club business either in debate, on committees, or otherwise. It is also his duty to authenticate with his signature any records of the club which may require such action.

THE VICE-PRESIDENT

The Vice-President's duties are, in the absence of the President, temporarily to assume his place and functions. While so acting he is invested with all the authority of the President.

THE SECRETARY

The Secretary shall keep a true and complete record of the transactions of the club when in session ; shall conduct its correspondence, and do such other things in the line of his office as shall, from time to time, be required of him by the club. In keeping the minutes of the meeting he shall make a note of all motions which are made and stated by the chair, together with the names of the members—making and seconding said motions, and the action of the club thereon. Ordinarily he does not make a record of the debate.

THE TREASURER

The Treasurer is the financial officer of the club. He collects and receipts for the dues,

keeps accurate accounts of all moneys received or paid out, and signs all checks. Unless it is otherwise directed by the club, or provided in the By-laws, he is the custodian of any bonds, stock, or other securities belonging to the club. If the club is incorporated, the Treasurer is usually made the custodian of the official seal. Where any considerable sum of money or valuable securities are to remain in his custody, he is usually required to enter into a bond for their safe-keeping, and prompt delivery to his successor.

COMMITTEES

In addition to the officers already named, it is commonly necessary to appoint a number of committees to assist in the work of the club. The advantage of a committee is that it can accomplish a great deal of detailed work in a very much shorter time than would be possible if the work had to be done by the club in formal session. This is because, being a smaller and less formal body, it is not hampered in its transactions by the rules and regulations which are necessary for the regulation of the meetings of a club. It gives better opportunity for the presentation of different suggestions by the members, and for

their free discussion, modification and adoption. The value of this informal action is so great that, when very important questions are before the club for consideration, the whole body sometimes resolves itself into a committee. This will be more fully explained under the title "Committee of the Whole."

Committees are divided into Standing and Special Committees. Standing Committees are those which are provided for by name in the By-laws of the club, and whose duties are to perform certain portions of the regular routine work of the club. Special Committees are such as are created from time to time for the performance of temporary duties. Unless otherwise provided in the By-laws or ordered by the meeting, the presiding officer appoints all committees. The President of the club is regarded as *ex-officio* a member of all committees, and may take part in their discussions, but cannot vote.

Among the standing committees which are ordinarily necessary are:

A Committee on Finance, whose duty shall be to supervise its financial affairs.

A Membership Committee, which shall investi-

gate and report upon the qualifications of all candidates for membership.

A House Committee (if the club has a home of its own) to enforce such rules as may be enacted in relation to the use of the club house by members and guests.

A Committee on Miscellaneous Business, to take charge of such minor duties as do not fall within the scope of the other committees.

The peculiar functions of each organization will doubtless suggest other standing committees, as necessary or convenient for the accomplishment of its own ends.

An illustration of a Special Committee is a committee appointed to receive and entertain some distinguished club guest. Upon the performance of its particular function it is discharged. If its work has been well done it is customary to add to the motion to discharge, "with the thanks of the club."

CHAIRMEN OF COMMITTEES

The first person appointed upon a committee is regarded as the Chairman, and it is customary, unless there is reason to the contrary, always to name as Chairman of a Committee the person

upon whose motion the committee was appointed. In naming a committee, the President should select at least a majority of its members from those *who favor the object for which the committee is appointed.* Where the matter to be determined is one of great importance, or is one as to which the society is seriously divided, it should also contain a reasonable representation of the opposing faction. It is only by observing these rules as to the composition of its committees that the club can hope for full and fair investigations and satisfactory reports.

VII

COMMITTEE OF THE WHOLE

As it has already been explained, there are many advantages in connection with the consideration of difficult business by a committee instead of a formal meeting of the club. For these reasons, in all large deliberative bodies, a great part of the work is performed by committees, whose reports are submitted to the general meeting for final action. The advantages of committee work are so fully recognized that it is customary, when the matter in hand requires much and careful consideration, for the entire meeting to resolve itself into what is known as a Committee of the Whole House. In ordinary speech, this is referred to as "a Committee of the Whole."

HOW IT IS FORMED

This committee is formed, upon motion and vote of the meeting, by the President surrendering the chair to a temporary chairman appointed

by himself or chosen by vote, at the option of the meeting. The President takes his seat among the other members, and during the meeting of the committee has no further rights or duties than his fellow members. The Secretary will act as clerk of the committee unless some other person be chosen. He is not required, however, to keep full minutes of the committee's transactions unless so directed by the committee itself. The same number of members is necessary to constitute a quorum of the committee that is required for a meeting of the club.

ADVANTAGES

The general advantages of committee meetings over the formal sessions of the club itself result from the smaller number of persons in consultation, and the freedom of the committee from certain of the more rigid rules of Parliamentary law. The members can get more directly at the particular matter in hand, giving their attention to the substance instead of the form. What is here said as to the Committee of the Whole may be taken as generally applicable to all other committees.

First. The Previous Question cannot be moved

in the Committee of the Whole. For this reason debate cannot be summarily suppressed, even by the action of the majority.

Second. The rule limiting the number of times that one member may speak upon the same subject is not enforced. The chairman endeavors to get at the views of all present, and the discussion may even assume the form of conversation. But to avoid the confusion of many voices, and to enable each member to attend to the suggestions of each of the others, all remarks, whether in committee or in formal session, must be addressed to the chair.

Third. The clerk is not required to keep full minutes of the meeting, so that suggestions and motions may be made and discussed with much less delay than would be inevitable if every step had to be put into form for going on the record.

Fourth. A Committee of the Whole, unlike other committees, cannot adjourn to some other time and place and so prolong its work. It must proceed at once to the consideration of the matter submitted to it, and promptly report its conclusion back to the meeting of the club. This forces the members to concentrate their attention upon the single subject, with the knowledge that there

is to be but the one opportunity for free discussion.

Fifth. A Committee of the Whole, like other committees, has no power to punish its members for a breach of Parliamentary law. It can only require that disorderly words or conduct be recorded by the clerk, and reported to the meeting of the club. The practical result of this is to exclude all personal discussions and motions relating to the conduct of members. It aids the committee to apply itself directly to business.

Except as modified by the foregoing rules, the rights, privileges, and duties of members are the same in committee as in the formal meetings of the club.

THE COMMITTEE AND THE HOUSE

When the Committee of the Whole has completed its work it "rises and makes its report to the House." This is done by the Chairman of the Committee surrendering his position to the President of the club and then, from the floor of the House, reporting the action of the Committee. The general meeting, returning now to the strict rules of Parliamentary law, takes up the report of the committee and approves or disapproves of it

as may seem proper. As, however, the members of the meeting and of the committee are the same, it is rarely the case that the action of the Committee of the Whole is rejected by the meeting.

Ordinarily the report of a Committee of the Whole, like that of other committees, should conclude with a resolution so drawn as to accomplish the result which ought to follow the committee's report.

VIII

THE MOTION

ALL orderly Parliamentary action is based upon "the Motion," and it is necessary, therefore, that we shall thoroughly understand the form, use and purpose of this important instrumentality. In form it is very simple, and may be sufficiently illustrated by the example, "Mr. President, I move that the thanks of this society be returned to Mr. Wilson Gray for his very able and entertaining address." In ordinary practice, a motion is seldom put in writing unless at the request of the presiding officer. If, however, it relates to a matter of considerable importance and is likely to be the subject of prolonged discussion, it usually takes the form of a written resolution, as : "Resolved, that the Board of Directors of the Briarwood Country Club is hereby authorized to sell the present club house at a price of not less than ten thousand dollars."

MAKING A MOTION

He who offers a resolution is presumed at the same time to move its adoption. If, for any

reason he does not wish to do this—as, for example, when, at the request of some other person, a member introduces a resolution to which he is personally opposed—he should explain his own position when he offers the resolution. It then becomes entirely proper for any other member to move its adoption.

A motion is not properly before the meeting for action until it has been formally endorsed by some other member than he who offers it. This approval is shown by such an announcement as, “Mr. President, I second the motion which has just been offered.” There are a few motions which, for reasons which will be explained later, must be seconded by more than one member before they can be placed before the meeting for discussion or vote. A motion or resolution which does not receive this endorsement by some one other than its proposer, is said to “fail for want of a second.” If, on the other hand, it is properly seconded, the President should at once place it before the meeting for discussion and action.

NO DISCUSSION EXCEPT ON MOTION

The motion is the only legitimate means by which a deliberative body takes a step forward in

the transaction of its business. This assertion cannot be too emphatically made, nor too frequently reiterated. Ignorance or forgetfulness of this principle is responsible for four-fifths of the confusion and delay which characterize the proceedings of the average club or society. A too easy-going presiding officer is tempted to permit a demoralized and loquacious meeting to "just sort of talk the thing over for a while before any formal motion is offered." This kind of mental dishabille produces its natural result. Everybody speaks when he feels inclined and says whatever happens to be in his mind. Ordinarily, he is not even deterred by the fact that a number of other people are doing the same thing at the same time. We do not mean to assert that all bodies of people will at once reach the same stage of demoralization, but we do assert that the tendency of this disregard of the most important axiom of Parliamentary law is always and at all times demoralizing.

DANGERS WHEN THERE IS NO MOTION

There is a perfectly natural underlying reason for this, which, however, seems to be beyond the vision of many otherwise excellent chairmen.

The fact is that by permitting discussion when there is "nothing before the house," the presiding officer unconsciously abdicates his authority. If he permits A to discuss the course of government in the Philippine Islands, he cannot fairly refuse to permit B to follow him with a presentation of his personal views upon the subject of increasing the club dues. One theme is just as nearly in order as the other. In the absence of a pending motion of some kind, such speechmaking is merely a more or less disorderly conversation. It would be difficult to imagine any more demoralizing habit than that of permitting a meeting to "run wild."

The proper practice is to call for a motion, and when it has been made and properly seconded, to present it to the meeting for consideration. Everybody may then know what to talk about. The motion, if not satisfactory, may be amended or defeated, but the meeting will be moving along its legitimate path.

INFORMAL DISCUSSION

There are, of course, occasions when for the time being it seems better to lay aside the more rigid rules of parliamentary law, but parlia-

mentary law itself makes provision for such rare occasions. Every set of By-laws should provide that, by a prescribed vote of the members present, any By-law may be suspended temporarily to enable the meeting more effectually to accomplish some particular result. The most frequent exhibition of the exercise of this power is in the temporary suspension of the earlier orders of business, or the motion to dispense with the reading of the minutes, when for economy of time it is desirable at once to take up some matter of business which would not regularly be reached until much later in the meeting.

A still more complete escape from the rules is sometimes had by the entire meeting resolving itself into a committee. This proceeding will be found more fully explained under the previous section, "The Committee of the Whole."

If the character of the organization is such as to make it practicable, it is quite proper, as suggested in Chapter III, to have a special order of business under which it shall be in order for members to bring before the meeting any matters which they may believe to be of interest to the club, even if they be not strictly of a business nature.

Subject only to the foregoing exceptions, the presiding officer should insist upon a formal motion as a basis for discussion or action.

THE SCOPE OF THE MOTION

As already explained, the scope of the "motion" is so great that it is not possible definitely to limit its possibilities. All affirmative results in a deliberative body may be said to be accomplished by means of the motion, or—what is merely its modified form—the resolution. It would be futile, therefore, to attempt to say here what can and what cannot be done by motion. There are, however, a considerable number of motions whose functions may be accurately defined. Taken together they constitute the recognized means by which all modern deliberative bodies transact their business. The skill of the trained debater is shown in the promptness and efficiency with which he employs one or other of these motions to accomplish the particular purpose which he may have in mind. The motions most essential in the conduct of a deliberative body are :

The motion to adopt, or approve.

The motion to amend.

The motion to substitute.

The motion to lay on the table.

The motion to postpone indefinitely.

The motion to postpone to a time certain.

The motion to commit (to a committee, or an officer).

The motion to commit with instructions.

The motion to reconsider.

The motion for the previous question.

The motion for a committee of the whole.

The motion for a division of the question.

The motion to adjourn to a time certain.

The motion to adjourn.

THE MOTION TO ADOPT OR APPROVE

Of these the motion to adopt or approve is the simplest and most frequently used. If carried, it commits the meeting to the action or declaration embodied in the motion, resolution or report to which it relates. If defeated, it puts the meeting on record as opposed to the pending proposition in its present form. It is the direct step by which the meeting advances in the transaction of its affairs.

QUESTIONS WHICH ARE NOT DEBATABLE

Each organization may, by its By-laws or Rules

of Order, determine what questions must be decided without debate. Except as so modified, the questions which cannot be debated are as follows :

1. Points of order.
2. A motion to adjourn.
3. A motion for the previous question.
4. A motion to lay on the table.
5. A motion to reconsider.
6. A motion to change the order of business for the time being.

If the motion to adjourn is to a specified time or place, it is subject to amendment as to said time or place, and the mover of the amendment may briefly suggest the reason in support of his amendment. If the motion is simply for adjournment, or for adjournment *sine die*, debate should not be allowed. Subject to the above exceptions, the motions we are now to consider are debatable.

IX

THE MOTION TO AMEND

THIS is the motion by which a pending proposition is modified and molded into the shape desired by the majority. While exceedingly simple in itself, it becomes, in its relation to other motions, very confusing to the young or inexperienced presiding officer. It is guarded by a small code of rules of its own which should be thoroughly mastered. The officer who can successfully guide a meeting through a campaign of impetuous and miscellaneous amendments is not likely to lose his head under any other conditions. The rules which he must have at his instant command are :

AN AMENDMENT MUST BE GERMANE

1. *An amendment must be germane to the motion which it seeks to modify.* Example: if the business before the meeting is a motion to invite Mr. Marshall to address the club upon the subject of the Panama Canal, a proposition to increase the limit of the club membership is clearly

out of order because not germane—that is, because it bears no logical relation to the matter to which it is applied. If, however, the amendment proposed that a concert be substituted for the proposed address, the decision would not be quite so easy. It is the soundness and promptness of his judgment upon such questions as this which distinguishes the good presiding officer.

ONE AMENDMENT AT A TIME

2. *Only one amendment to an original motion can be entertained at one time.* Example: pending a motion “to sell the present club house and dissolve the club,” it is clearly in order to amend the motion by striking out the words “and dissolve the club.” While this amendment is undisposed of, however, it is not in order to move to amend the original motion in any other respect, no matter how germane or desirable the second amendment may be.

AMENDMENT TO AN AMENDMENT

3. *One, and only one amendment to an amendment can be entertained at one time.* Care must be taken not to confuse this rule with rule number 2, just explained. To have more than one

amendment to *the original motion* pending at one time would divide and confuse the attention of the meeting; but an amendment to an amendment presents but a single question and invites immediate and direct action. Example: if, as in example 1, a motion has been made and seconded to request Mr. Marshall to address the club upon the subject of the "Panama Canal," it is perfectly regular to move to amend the motion by asking him to speak upon the "Situation in Cuba," instead of the "Panama Canal." This amendment, in turn, may be amended by substituting "Aerial Navigation" as the theme of his address in place of the "Situation in Cuba." At this point, however, and until the amendment as to the subject of the address has been disposed of, it would be out of order to move to substitute the name of "Mr. Clark" for "Mr. Marshall." When that is out of the way, it again becomes proper to bring forward another amendment. Of course an amendment to an amendment must be germane to the original motion. In other words, the meeting must stick to one subject until that subject is regularly disposed of, at least for the time being.

In close cases it is not always easy to deter-

mine whether or not the proposed amendment is sufficiently related to the principal question to be strictly admissible. As, however, the matter is merely one of administration, and is not fundamental in its character, the better custom is to decide doubtful cases in favor of the proposed amendment. If the meeting believes that it should have been ruled out of order, it has the power to correct the error by rejecting the amendment by vote.

REASON FOR THE RULES

Rules 2 and 3, just described, are rules of necessity and should be carefully enforced. To permit the piling up of all sorts of motions and amendments, merely at the whim of the members, must inevitably cause confusion and disorder. To the thoughtless observer the limitations of these rules may seem to tend to exclude or destroy the equal right of each member to present such motions or amendments as he may think proper, but this prohibition is only apparent. Any member who is opposed to the pending motion or amendment, but who is prevented by rule 2 or 3 from submitting a motion or amendment of his own, can easily test the sense of the

meeting upon his proposition. While speaking in opposition to the pending motion, he can explain to the meeting that, if the pending motion or amendment shall be voted down, he will then propose the following—giving a clear statement of his own intended proposition. If his suggestion is more satisfactory to the meeting than that which is pending, it will, of course, vote down the pending motion or amendment and give him the opportunity to bring forward his own.

When the meeting, by way of amendment, has formally adopted certain words by its vote, such words cannot be further amended by the same meeting, unless upon a motion to reconsider.

MOTION TO SUBSTITUTE

The motion "to substitute," although not nearly so frequently employed as the power of amendment, in skilful hands may be exceedingly effective. It is the motion by means of which a new motion or resolution—being of course germane to that which is pending—may be made to take the place of one immediately under discussion. It often happens that long continued debate and numerous ineffectual amendments will produce such varied and confused results in the

minds of the members that nobody has a very clear idea as to exactly how matters stand. Contradictory understandings of the meaning of what has been done or attempted will develop something which, if long continued, is very like parliamentary chaos. If, at such a time, some cool-headed member draws up a resolution embodying in intelligible form the best features of all that has been suggested by the discussion, and offers it as a substitute for the entire subject matter before the house, he is likely to find himself suddenly very popular. A well-framed substitute is usually the most efficient blade with which to cut the Gordian knot of a parliamentary snarl. Where the matter is sufficiently important, it is even worth while to send it to a special committee with directions "to report a substitute" for the various motions and amendments which taken together have proven themselves too much for the present skill and patience of the meeting.

And yet, useful as the "substitute" frequently is, it should be adopted with some care. The very conditions, which so often make it welcome, render it dangerous. In the hands of a skilful parliamentarian it may easily be used to defeat

some action which the majority of the meeting wishes to consummate. By prolonging and confusing the debate until everybody is thoroughly tired out, a few members working together may bring about just that degree of demoralization which will cause a weary majority to jump too hastily at any apparent solution of their difficulty. Such a substitute, carefully drawn for its own purpose, may accomplish results neither intended nor desired by many of those who, on the spur of the moment, eagerly support it. It is well, therefore, to take sufficient time to grasp the actual effect of the substitute which makes its appearance at exactly the moment when everybody is likely to be gratefully "for it."

AS TO FILLING IN BLANKS

A matter somewhat analogous to the substitute may profitably be dealt with in this connection. It is the filling in of blanks in a motion or resolution which is otherwise complete. If the blank is to be filled with the name of a person, or place, or other such noun, the motion to insert is subject to the ordinary rules governing original motions, and requires no additional notice. If, however, as is frequently the case, the blank is to

be filled by some period of time, or a date, or a numeral, or a sum of money, the motion to insert is governed by two rules of procedure which do not ordinarily prevail.

First—and as an exception to the rule that not more than one motion or amendment can be pending at the same time—it is the better practice, in this case, to require that all motions relating to filling the same blank shall be presented before a vote is taken upon either of them. Next—and as an exception to the general rule that the order of voting is to be regulated by the order in which the motions are presented—the presiding officer takes the vote upon this class of “motions to insert” in the order, not of their presentation, but of their numerical relation. He will first call for the vote upon the longest period of time, the most remote date, the highest number, or the largest sum of money, as the case may be. If the motion is carried it supersedes and disposes of the other motions without further action. If it is defeated, the vote will then be taken upon the next shorter period, the date next in remoteness, the highest number or the largest amount not yet disposed of; and so on until the blank is filled by an affirmative vote.

THE MOTION FOR A DIVISION OF THE QUESTION

Very frequently a motion or resolution is so drawn as to involve two or more distinct questions. An illustration of such a motion will be found in our article on "The Motion to Amend." The motion "to sell the present club house and dissolve the club" involves two very different questions. A member might be heartily in favor of a change in the club quarters, and quite as emphatically opposed to a dissolution of the club. He would therefore be unable to vote either "yes" or "no" on the motion as presented without voting against his convictions. The remedy for this dilemma is to require a division of the question.

There are two methods by which this is accomplished in parliamentary bodies. That which, all things considered, seems the most just, is to provide by a special rule of procedure that a given number of members, or even a single member, shall have the right to call for the division of any motion or resolution which involves more than one question. When this demand is made, it will be the duty of the presiding officer, in the first instance, to decide whether or not the

motion is capable of such division as has been demanded. If his decision is not satisfactory to the club, it can—like most other decisions of the chair—be brought before the meeting by appeal.

If, however, the club has no rule of its own upon the subject, it is always within the power of the meeting to divide a pending motion by amendment. A member offers to amend the principal motion or resolution by dividing it into two parts, as follows—indicating in his amendment which words of the original are to be taken as the first motion, and which are to constitute the second. His own amendment, under the rules already given, is open to one amendment—which may, of course, suggest some other division of the original question. These amendments are brought before the club, discussed, and decided like any others. When, by this means, the original motion has been satisfactorily divided, the President will submit the several parts to the meeting exactly as if they were, and always had been, wholly independent propositions. One of them may be adopted, and the other amended or defeated.

It must not be too hastily assumed that because a motion or resolution is capable of verbal

division it is proper to divide it for parliamentary purposes. There may be such a dependence between its different provisions that, although easily capable of division without verbal confusion, they should nevertheless be allowed to stand or fall together. Or the circumstances may be such that two questions, which are logically entirely distinct, are so related in their results that they should be considered as one. The illustration already employed, involving two such distinct and important questions as the sale of the club house, and the termination of the club life, may be of this class. The history and present condition of the club might be such that it would neither be wise to sell the house and continue the club, or to retain the house and dissolve the club. If this were true, the two questions should be presented, discussed and disposed of as one. In other words, it must not be assumed that the matter of dividing or refusing to divide a motion or resolution is merely a question of composition or grammar.

X

MOTIONS TO LAY ON THE TABLE, TO POSTPONE OR TO RECONSIDER

THE motion "to lay on the table" is the means by which the meeting postpones for the present a subject which it desires to take up at some later time, but which at present stands in the way of business of more immediate importance. If the motion is carried the subject to which it applies is dropped at once, and the next business in order is taken up. At any time thereafter the club, by a majority vote, may take the postponed business from the table and proceed with its consideration. Sometimes it is adopted as a means of permanently disposing of objectionable business—the meeting, after laying the subject on the table, refusing to take it up. The motion ordinarily adopted to accomplish this end, however, is the motion to postpone indefinitely. The motion to lay on the table, being intended as an immediate test of the sense of the meeting as to proceeding at once with the matter in hand, cannot be amended.

The motion "to postpone indefinitely" is the method adopted by an adverse majority to dispose of a subject once and for all. If carried, this motion is, unless its operation is afterward annulled by a motion to reconsider, final and fatal. It is adopted when the feeling against the pending motion or resolution is so strong that the meeting desires its summary destruction. The motion to indefinitely postpone cannot be amended. It is debatable and, as its effect may be final and fatal to the subject to which it applies, the merits of the main subject may be discussed. This motion is the instrumentality by which those opposed to a pending proposition assume the affirmative and become the attacking party.

TO POSTPONE TO A TIME CERTAIN

A motion "to postpone" or "to postpone for the present" may be amended by making it read postpone "indefinitely," or by fixing a time to which the postponement shall take place. If various dates are proposed for the future resumption of the subject, they are regarded rather as separate motions than as amendments. It is customary to permit several such motions to be

made, by way of suggestion, and then to take them up in the order in which they would be considered if the club were filling a blank as to a date. That is, the most remote of the suggested dates will be first put to vote, and if it is rejected, the meeting will then take up the next in remoteness, and so proceed until a satisfactory date is chosen.

TO COMMIT

The motion "to commit" is the method by which the club puts into the hands of a committee any matter of business which it finds too complicated for its own management, or which, for any reason, needs a degree of special attention which the meeting is not prepared to give to it. The business may be referred to a Standing Committee with general powers, or to a Special Committee formed for the sole purpose of dealing with the matter in question, or—in matters of very considerable importance—it may be referred to a Committee of the Whole. It may be committed without instructions, or the meeting may direct the committee to carry out its own predetermined purpose; as, for example, it may commit a proposed amendment to the By-laws with

instructions to so modify it as to alter the conditions of membership in a certain specified particular. In these cases the committee is merely the executive hand of the club.

A motion to commit can be amended in any particular which is germane to its own purpose—that is, the size of the committee may be specified, a new committee may be substituted, instructions may be added, a time fixed for its report, and generally any other reasonable condition may be imposed.

In some cases this motion, like the motion to lay on the table, is used to destroy the motion to which it relates. This is done by referring the subject to an adverse committee which will fail to report it back to the club, or will otherwise “smother” it.

THE MOTION TO RECONSIDER

It is a general principle of parliamentary law that a question once decided by a vote of the meeting cannot again be brought before the club at the same session. Otherwise the too earnest advocates of an unpopular measure might, by constantly renewed motions, practically block the proceedings indefinitely. Experience has shown,

however, that a too rigid enforcement of this principle sometimes works injustice. The vote may have been taken before the question had been thoroughly discussed, or for other reasons it may fail to record the deliberate judgment of the majority. To meet this condition, all American deliberative bodies recognize and permit a single "motion to reconsider," if taken within the time prescribed by the By-laws or Rules of Procedure. The motion must be made by a member who voted with the majority, or, if the vote was equal, in the negative. It is entirely proper for the club, in its By-laws or Rules of Order, to make such special provisions upon this and similar points as it may consider proper. Of this character is the rule sometimes adopted that a motion to reconsider may be made either at the same or the following meeting with the original motion, and that it shall not be made when the attendance at the meeting is less than when the original vote was taken. Its general purpose—which should always be kept in mind—is to give the club an opportunity to correct a possible error or misunderstanding.

It is proper just here to say a few words in explanation of the statement made at the begin-

ning of this section which, otherwise, may cause confusion. That statement is that a question once decided by a vote of the meeting cannot be again presented during the same session. In applying this principle it must be carefully borne in mind that the question to be excluded under this rule must be the same both in form and in substance as that which has already been decided. There are some motions whose form continues the same, but whose meaning varies with the mere lapse of time or the progress of business. A motion to adjourn may be voted down at nine o'clock and renewed at ten. The motions are in fact different, although expressed in the same words. The first was in reality a motion to adjourn at nine o'clock, while the second was to adjourn at ten o'clock, and the difference is substantial. So a motion to refer a particular question to a committee immediately upon its being brought before the club might be voted down, and yet, half an hour later, when the meeting had settled certain features of the business to suit itself, it might very properly decide to refer the matter in its modified condition to a committee for further action. A presiding officer must not too hastily assume the identity of any

two questions by reason of their superficial resemblance. His test must be, "Has any substantially new element come into the question since the club accepted or rejected it?" If not, it cannot be again brought before the meeting for discussion or vote, unless by a properly presented motion to reconsider.

XI

THE PREVIOUS QUESTION AND ADJOURNMENT

PERHAPS the most drastic and efficacious of all parliamentary rules is what is known as the "Motion for the Previous Question," or briefly, in common speech, "The Previous Question." It was introduced into the English Commons early in the seventeenth century by Sir Harry Vane for the purpose of cutting off debate and summarily disposing of disagreeable questions which the government did not wish to have too vigorously discussed. With a slight modification it has been adopted into the American parliamentary law, but for quite a different purpose.

THE MOTION FOR THE PREVIOUS QUESTION

In every discussion there comes a time when all that can be profitably said has been said. Nevertheless, an earnest and persistent faction in any meeting, if unchecked by some such method as this, can so prolong a debate as eventually to tire

out their opponents. The means by which, in such a case, the majority protect themselves and compel the transaction of business, is the previous question. In bodies of such dignity that it is not to be presumed that any of their members will abuse the right of free discussion, this motion is not entertained. No ordinary assembly, however, can afford to be without this weapon of protection.

The motion for the previous question may be made by any member, but it must be seconded by such larger number as may be provided in the By-laws of the particular body. In the absence of a Rule or By-law fixing the number, there should be at least five seconders. Until it is so seconded, the presiding officer cannot submit it to vote. When it has been properly seconded, the President announces: "The Previous Question has been moved and seconded, and is now before the meeting. Shall the main question be now put?"

Without allowing debate he at once puts the vote on this question. If it is carried by the necessary majority, the President, again without permitting debate, proceeds at once to submit the main question to the vote of the meeting. What

the main question is, will depend upon the character and relation of the motions or amendments before the house. If an amendment is pending, the first vote will be on the amendment, to be at once followed by a vote, without debate, upon the original motion. If the person who moves the previous question desires to limit its effect, he should so explain his purpose when he makes the motion. He can do this by a statement in this form: "Mr. President, I move the Previous Question upon the pending amendment only." If this be done, as soon as the amendment is disposed of, debate may be resumed upon the principal resolution, to which still further amendments may be proposed as freely as if the previous question had not been moved.

To permit the motion for the previous question to be either debated or amended would defeat its purpose. It is a direct test as to the desire of the meeting for an immediate vote.

THE MOTION TO ADJOURN

A motion to adjourn to a particular day is open to amendment as to the day, but a simple motion to adjourn is open neither to amendment nor debate. It is a privileged question, and is always

in order except in the following cases: 1. It cannot be made immediately after a motion to adjourn has been defeated; 2. It cannot be made while a member is addressing the meeting, nor while a vote is being taken, or, having been taken, is about to be announced. In the first case, some business must be transacted by the meeting before the motion to adjourn can be renewed.

In temporary bodies, such as conventions, transient committees, and so forth, an adjournment without fixing a day for further meeting is equivalent to a dissolution.

XII

PRIVILEGED QUESTIONS AND APPEAL

THE title "Privileged Question" must not be confused with what is commonly known as the Question of Privilege. The latter term is applied to the right, universally recognized, of any member to rise in his place at any time that he can obtain the floor for the purpose of publicly explaining his own conduct, or calling attention to some error or wrong by which his own position or character is in danger of being misunderstood. It is purely a personal right, having no relation to the general conduct of the club business. A "Privileged Question" is something entirely different.

Ordinarily, in a deliberative body, as elsewhere, one would expect an observance of the business maxim, "First come, first served." In a very general sense this is true. If A presents a resolution, and, before it has been acted upon, B presents another, A's resolution will be first taken up, even though B's may be of very much greater importance—unless B's resolution shall

belong to the class of privileged questions. In fact the presiding officer would rule the second resolution entirely out of order until the first had been disposed of. So long as the two motions are of the same grade or class, that which is first presented will first receive attention.

WHAT IS A PRIVILEGED QUESTION ?

It very soon becomes apparent, however, that some motions, from their very nature, must be acted upon in advance of the main question to which they relate. It would be futile, for example, to spend hours in amending and perfecting a piece of business which was so opposed to the sentiment of the meeting that it is to suffer inevitable defeat in the end. If the club clearly does not wish to adopt the proposition, even when perfected, it had better dispose of it at the outset. The result of this natural relationship existing between different lines of parliamentary action has resulted in the recognition of certain motions as possessing precedence—that is, the right of way—over others. Nor are these privileged questions all of equal dignity. Some of them are entitled to take precedence of others which are themselves privileged. By precedence

is meant the right to be considered and disposed of in advance of other motions which have been first proposed. Heretofore, in dealing with motions, we have been concerned merely with their several functions, and not at all with this matter of rank or precedence, which we will now take up.

The privileged questions, under American parliamentary law, are :

1. The motion to adjourn.
2. The motion for the previous question.
3. The motion to lay on the table.
4. The motion to postpone, either to a day certain, or indefinitely.
5. The motion to commit.
6. The motion to amend.

A member is entitled to interrupt the course of business at any time with either of these motions. Interrupting the course of business does not, of course, imply the right to interrupt the actual taking of a vote, or the speech of another member without the latter's consent, or to do any other disorderly act, but, having properly obtained the floor, a member may, by one or other of these motions, wholly divert or frustrate the business before the house.

It must not be inferred that because a question is "privileged" it is in all respects freed from the hazards of other motions. It may be privileged, and yet be subject to debate and amendment. The privilege consists simply in the right to be introduced into the proceedings while other matters are pending, whereas an unprivileged motion must await the disposition of pending business.

MOTION TO ADJOURN PRIVILEGED

The motion to adjourn takes the highest rank among privileged questions. Subject to the very slight exceptions mentioned in our article on "The Motion to Adjourn"—which are dictated by common courtesy and good faith—this motion may be made at any time, and as often as any member may care to present it. It is not always easy to decide whether the transactions which have taken place since the rejection of a motion to adjourn constitute "business" within the meaning of the rule that a second motion to adjourn cannot follow another such motion without the intervention of business. The introduction of any motion or resolution followed by a vote is sufficient to sustain a subsequent motion to adjourn.

The simple motion to adjourn is not open to

amendment, and is not debatable. It is self-explanatory and every member is supposed to know, without discussion, whether or not he regards the work of the meeting as completed, or, for any other cause, believes it proper to close the session.

THE RIGHT OF APPEAL

Whenever the decision of the presiding officer is unsatisfactory to the meeting, an appeal may immediately be taken and the question brought before the meeting itself for final determination. To avoid frivolous appeals it is customary to provide by By-law or the Rules of Order that a certain number of members must join in the demand before the presiding officer is bound to take official notice of it. When the required number have joined in the appeal the presiding officer shall put the question as follows: "An appeal has been taken from the ruling of the chair. The question before the meeting is, 'Shall the decision of the chair be sustained?'"

Thereupon the presiding officer may concisely give the reasons for his ruling. He is not required to surrender the chair during an appeal, but may, of course, do so if he desires. The presiding officer may cast his vote as a member in

support of his official ruling. There are some questions upon which the President's decision is final, but, unless so stated in our reference to the particular motion, all decisions referred to in this manual are presumed to be subject to appeal. An appeal must be taken immediately upon the announcement of the objectionable decision. As a general rule, it is disposed of before any other business is taken up. It is quite allowable, however, after the appeal has been properly taken, and put before the meeting by the announcement of the President, that its consideration may be either temporarily or indefinitely postponed.

XIII

METHODS OF VOTING

THE ordinary method of ascertaining the will of a meeting is by a *viva voce* vote, those in favor of the proposition before the meeting voting "yes," and those opposed to it voting "no." If there is doubt as to the result in the mind of the presiding officer, or if "a division" is duly called for, the vote will be taken again by the members rising and standing or lifting their hands, until counted by the secretary or chairman. In the British House of Commons the members leave their seats, on a division, and pass out, the ayes in one line, the noes in another, being counted as they pass. In formal bodies all important votes are taken by a call of the roll, but this is not customary in ordinary meetings.

Whenever, either by law or the by-laws of the society, a vote is required to be taken by ballot, it must be either by the use of paper slips or by white and black balls, according to the practice of the organization. When, at any election, only

one set of candidates is to be voted for, it is quite proper to instruct some officer or member to cast a single ballot for the entire ticket. This, however, is equivalent to a unanimous vote, and cannot be adopted against a single objection. In purely routine matters, such as the acceptance of a treasurer's report, time is often saved by announcing that, unless there is objection, the report will be received, accepted and entered upon the minutes. This, however, cannot be done if any member requires the usual method—a motion and vote.

XIV

ILLUSTRATIVE PROBLEMS

To many persons a printed rule is a mere abstraction. It does not become useful as a principle of action until it has been presented to them as in actual operation. This, in a greater or less degree, is true of all persons, but it is particularly true of those whose occupations call rather for physical than mental activity. In recognition of this fact, the author has considered it well to include in this little manual a number of problems in illustration of the administration of Parliamentary law. These are intended to supplement the rules themselves and to explain what otherwise may be too theoretical for the instant comprehension of a busy person. The term "club" as used in these problems is adopted for mere convenience, and is to be taken as equivalent to "society," "association," "convention" or other similar name, and not as limiting the principle involved to any special form of organization.

PROBLEM A

Authority of the President

Upon the assembling of the club at its hall upon its regular meeting night, a majority of the members, being dissatisfied with their officers and their plan of meeting, decided to meet elsewhere. By private understanding twenty-five, of the thirty who were present, withdrew from the hall just before the hour of meeting, as fixed by the By-laws. Among the seceders were the Vice-President, Secretary, and Treasurer. They proceeded to another hall, were called together by the Vice-President, and in regular form transacted important business.

At the regular meeting hour, the President called the meeting to order in the usual place. There being no quorum present, he informed his four fellow members that they had no authority to transact general business, but that they could adopt such measures as may be authorized by their By-laws to procure the attendance of a quorum, or could adjourn the meeting. Thereupon they adjourned to a definite time and place.

Afterward the question as to the validity of certain of the business transacted by the larger meeting came before a court of law. It was de-

oided that the meeting of the seceders, notwithstanding its quorum and the presence of most of the club officers, was wholly invalid, and that its action was void. The President, being at the proper meeting place at the lawful time, was the only person having power to organize the meeting, unless he declined or was incapacitated. Had the dissatisfied majority remained until the meeting had organized, they could have adjourned it to such time and place as they desired, and probably could have controlled its action. Even a majority must exercise its power in a regular and lawful manner.

PROBLEM B

The Defeated Amendment

During the consideration of a resolution introduced by Mr. Harding, Mr. Wilson offered an amendment, which, upon vote, was defeated. Mr. Harding's resolution was further discussed and was later modified by the adoption of an amendment offered by Mr. Thompson. After this amendment, but before the vote had been taken upon the adoption of Mr. Harding's resolution as amended, Mr. Wilson offered his defeated amendment as a substitute for the pending resolution.

The President ruled Mr. Wilson's substitute out of order. It had already been defeated and could not be again put before the meeting and put to vote by the mere device of calling it a "substitute."

PROBLEM C

Voting First Upon the "Longest Time"

A matter of business having been referred by the meeting to a special committee, Mr. Thompson moved that the committee be instructed to report to the meeting of April 24th next. Mr. Harding offered an amendment to Mr. Thompson's motion that the committee be instructed to report to the meeting of May 8th next. Mr. Wilson offered an amendment to Mr. Harding's amendment requiring the committee to report at the meeting of April 10th next. After discussion, Mr. Wilson asked that the vote be taken first upon his amendment to Mr. Harding's amendment.

The President, however, refused Mr. Wilson's request, and ruled that the vote should be first taken upon Mr. Harding's amendment fixing May 8th as the date of the report. Upon an appeal from the decision of the chair by Mr. Wilson,

the President explained his ruling, as follows: Regarded as ordinary amendments, Mr. Wilson's amendment to Mr. Harding's amendment would be entitled to be first disposed of. But that in the case in hand the meeting was, in fact, filling a blank by which it was to fix the duration of time to be allowed the committee for the completion of its work. In doing this, the rule, by which the longest time is to be first submitted to vote, must prevail. Upon a vote of the meeting, the decision of the chair is sustained. The ruling must have been the same if the amendments had been proposed to the original motion instead of successively to each other.

PROBLEM D

Voting First Upon the "Largest Sum"

The matter of club improvements being under discussion Mr. Thompson moved to appropriate the sum of one thousand dollars for the repairs and improvements of the club rooms. Mr. Wilson moved to amend Mr. Thompson's motion by appropriating one hundred instead of one thousand dollars, and, after debate, Mr. Wilson called for a vote upon his amendment. Under the usual rules as to the adoption of amendments,

he would have been clearly entitled to have had his amendment presented in advance of the motion which it sought to amend.

The President, however, declined to put Mr. Wilson's amendment to vote until Mr. Thompson's motion, appropriating one thousand dollars, had first been voted upon. This being adopted, he then declined to put Mr. Wilson's motion at all. This ruling was correct. Under the general rules of procedure the amendment should have been first put to vote. But where the general question is as to the appropriation of a sum of money, as to the amount of which there is a difference of opinion among the members, the vote should first be taken upon the largest sum proposed, then upon the next largest, and so on down until the sum is reached which meets with the approval of the club. If Mr. Thompson's resolution had been defeated, Mr. Wilson could then have presented his amendment as an original motion.

This variation from the usual rule that the motion or amendment last presented shall be first disposed of, is based upon an excellent reason. The application of the general rule to such motions—motions which fix a date, a sum of money, or other

matter of mathematics—must frequently result in confusion, and very often operate as a practical denial of the right of the members to express their preference by their votes.

If, for example, in the above instance the President had mistakenly followed the general rule, let us examine the result. The vote would have been taken upon amending the original motion by reducing the appropriation from one thousand to one hundred dollars. Those members who believed that, in every event, the repairs were imperatively necessary, and who also thought that the larger sum should be appropriated, would have been placed in this position. If they voted against the hundred dollar amendment and helped defeat it, they would have run the risk that on the next vote the principal motion will also be defeated, and the whole matter of repairs be thus frustrated. This they regarded as a disaster. If, on the other hand, they voted in favor of the hundred dollar amendment and it was carried, it would immediately displace the original motion and they would have lost the opportunity to vote for what they believed to be the proper appropriation—one thousand dollars. They are compelled either to sacrifice their judg-

ment as to the amount of the appropriation or to aid in the defeat of the principal, and more important, motion. By first taking the vote on the larger amount this injustice was avoided, and every member had the opportunity fairly to express his preference by this vote.

PROBLEM E

As to the Powers of a Special Meeting

A special meeting of the club was called "to consider and act upon the resolution, heretofore introduced, which provides for increasing the annual dues from twenty-five to fifty dollars."

There was a long and earnest debate upon the subject, in the course of which numerous motions were made and amendments proposed. In the course of the discussion a considerable number of members advocated the proposition to raise the initiation fee from one hundred to two hundred dollars.

Finally, as a substitute for the original, a resolution was offered by Mr. Harding which provided that the annual dues should be increased to seventy-five dollars and the initiation fee to one hundred and fifty dollars. Upon the demand of several members the question was divided so

that the matter of the annual dues and of the initiation fee should be taken up separately.

Upon a vote the resolution to raise the annual dues to seventy-five dollars was carried. A vote was then demanded upon the resolution increasing the initiation fee to one hundred and fifty dollars. Upon a point of order by Mr. Wilson the chairman ruled this resolution was out of order, and declined to put it to vote. Upon an appeal from his decision his ruling was reversed. Thereupon, in obedience to the command of the meeting, he put the resolution to vote, and it was adopted by an overwhelming majority.

Later, the action of the meeting was brought before a court of law, and two points were presented for legal determination. First, it was contended that the ruling of the chairman, that the resolution increasing the initiation fee was out of order, was correct, and that the action of the club in subsequently adopting said resolution was unlawful and void. This point the court sustained. The notice for the special meeting of the club defined the possible scope of its action, and limited its deliberations to the matter of increasing the "annual dues." The court held that the difference between the two subjects—"an-

nual dues" and "initiation fees"—was so wide that a member receiving notice that the special meeting was to consider one of them could not be held thereby to have notice that it might deal with the other. The meeting was, therefore, without power to legislate as to the initiation fee, and its action was void.

The second point was that if the meeting had not the right to vary from the language of its notice in the matter of the initiation fee, neither could it vary from it in the matter of the annual dues. That the resolution which the meeting was called to consider provided only for the increase of the annual dues from "twenty-five to fifty dollars," and not to any other sum, greater or less, whereas the meeting had increased them to seventy-five instead of fifty.

The court decided that this action of the club was valid. That the notice that a meeting will consider and act upon a particular resolution includes notice that the resolution may be acted upon *as resolutions are usually acted upon in parliamentary bodies*. This, in turn, includes the right to amend the resolution in any respect, *provided the amendment is germane to the original purpose*. In this case the amendment dealt

directly with the subject of the resolution—the rate of the annual dues—and was clearly germane, and its adoption was valid.

PROBLEM F

Second Amendment to an Original Motion Cannot be Received While First Amendment is Pending.

It having been moved by Mr. Wilson that the club should suspend its weekly meetings during the months of September and October, Mr. Thompson moved as an amendment that the club should meet once in two weeks during those months. Mr. Harding thereupon moved as an amendment to the original motion that a committee be appointed to secure new quarters for the club. A point of order was raised that Mr. Harding's amendment was out of order, while Mr. Thompson's amendment was pending. The chair sustained the point of order.

PROBLEM G

Substitute Not Germane to Original Motion

At one of the club meetings, Mr. Thompson moved the appointment of a committee to prepare amendments to certain of the club By-laws.

To this motion, Mr. Wilson moved as an amendment that the club at once go into a Committee of the Whole to prepare the amendments in question. Mr. Harding moved as a substitute for both the original motion and the amendment, that a committee be appointed to arrange for a public meeting and banquet of the club upon its approaching anniversary. Upon a point of order being raised, the President ruled this substitute out of order for the reason that it was not germane to the original question. Upon appeal to the meeting this ruling was sustained. In some of the larger legislative bodies, notably in the British Parliament, the rule is otherwise. There the pending motion may be displaced by the substitution of one relating to a totally different subject. The view of the English rule is that under its operation an important bill or motion may be thrust aside without due consideration, not on its own merits but by reason of the attractiveness of the proposed substitute.

PROBLEM H

Acting on the Committee's Report

The special committee having made its report to a regular meeting of the club, Mr. Wilson

moved that the report be modified in certain respects, and that the action recommended by the committee be not taken. The President ruled the motion out of order on the ground that, so far as it directed a modification of the committee's report, it was beyond the power of the meeting. That so far as it directed that the action recommended by the committee be not taken, it was premature; the matter not being yet before the meeting for action. Mr. Harding then moved that the report be received, the committee discharged and the whole subject referred to another special committee. This motion was sustained by the President and adopted by the meeting, it being entirely within the power of the meeting to order a re-investigation of the subject by a satisfactory committee.

PROBLEM I

The Motion to Adjourn Out of Order

While Mr. Wilson was debating some matter before the meeting, Mr. Harding moved that the meeting adjourn. The President ruled the motion to adjourn out of order, so long as the floor was properly occupied by another member than he

who moved the adjournment. At Mr. Harding's request, Mr. Wilson thereupon yielded the floor temporarily to the former for the purpose of making a personal explanation. When Mr. Harding had completed his explanation, he again moved to adjourn. Mr. Wilson raised the point that the motion to adjourn was still out of order. He was sustained by the President upon the ground that as the floor had been yielded for a special purpose only, Mr. Harding could not use his privilege for any other than that purpose.

When Mr. Wilson had concluded his debate, Mr. Harding again moved to adjourn. The motion was voted down. Mr. Thompson thereupon arose and asked certain information from the President of the meeting, which was given him. When Mr. Thompson resumed his seat, Mr. Harding again moved to adjourn. Mr. Wilson raised the point of order that the motion to adjourn could not then be entertained because no business had been transacted since the meeting had voted down the same motion. The President sustained the point of order, holding properly that the question asked by Mr. Thompson and the answer thereto did not constitute the "transaction of business" within the parliamentary rule.

PROBLEM J

Procedure in a "Called" Meeting

A meeting of citizens convened in response to a published "call" which invited the attendance of "all persons who favor the enactment of a local option law, for the purpose of arousing public sentiment in favor of such legislation."

A number of persons attended the meeting and insisted upon speaking in favor of "prohibition," and in opposition to the proposed movement for local option. Upon a point of order being raised the chairman ruled against their right to address the meeting. Upon their further persistence he directed them to leave the hall, and upon their refusal, he appealed to the police authorities and had them expelled.

While, at first glance, his action may seem to have been a rather severe limitation upon the right of free speech, his ruling was entirely correct. Under the call for the meeting the comparative merits of the two principles—local option and prohibition—were not open to discussion. The insistent speakers, although presumably acting in good faith and from worthy motives, were in law merely disturbers of the peace.

PROBLEM K

Rights of De Facto Members

A political convention was duly called to nominate candidates for certain enumerated officers. The chairman of the County Committee, being the proper person to act, called the convention to order and asked for the nomination of a temporary chairman. Several nominations were made, and the roll was called by the secretary of the County Committee,—who was admittedly the proper person to perform that duty. The roll or list of members had been made up by the secretary from such unofficial information as he could obtain. The roll-call resulted in the election of A to the office of chairman of the convention by a plurality of three votes.

At a later stage of the proceedings, upon the report of the Committee on Credentials, it was determined that five of those who voted for A upon that roll-call were not entitled to seats in the convention. The point was then raised that A, not having received a plurality of the legal votes, was not elected. The point was properly overruled. The five persons having been placed upon the roll of members in good faith by the

proper authority, were—until debarred by higher authority—*de facto* members and entitled to vote.

PROBLEM I

Procedure in Committee

During a business session of the club the meeting resolved itself into a Committee of the Whole to consider the question of the club finances. Mr. Harding submitted a resolution providing for an increase in the club dues. The resolution was duly seconded, and stated by the chairman. Thereupon Mr. Wilson moved the previous question, the effect of which, if ordered, would be to cut off all debate and require an immediate vote on the adoption of the resolution.

Mr. Thompson raised the point of order, that the motion for the previous question could not be entertained in the Committee of the Whole. The point of order was properly sustained. The very purpose for which a formal meeting resolves itself into a Committee of the Whole for the consideration of a particular subject is that, for the time being, the discussion may not be restrained or hampered by the more rigid of the parliamentary rules of procedure. Those general rules

necessary to secure a full and free consideration of the matter in hand—such as requiring the members to address their remarks to the chairman, and to refrain from personalities, and so forth,—should be as fully enforced in committee as in formal session. The procedure in the Committee of the Whole sufficiently illustrates the practice in all committees. Any committee may, of course, adopt such special rules for its own use as may seem to it proper. The foregoing illustration, however, presents the usual practice.

The motion for the Previous Question, which is sometimes denounced as “gag law,” is not always permitted even in the most formal deliberative bodies. The Hon. Schuyler Colfax was for many years Speaker of the national House of Representatives in which body the ordering of the Previous Question was a matter of almost daily experience. Upon his election to the office of Vice-President of the United States he became the presiding officer of the Senate.

During the first session at which he presided, a senator, in the midst of a heated debate, suddenly moved the Previous Question, and the motion was promptly seconded. Mr. Colfax, in obedience to the practice of years, arose to put the question

to the Senate, but caught himself in time and vigorously ruled the motion out of order. The United States Senate does not tolerate the Previous Question.

PROBLEM M

Amendment to Amendment Must be Germane to Original Motion

Under the proper order of business, Mr. Wilson moved that the club should lease a certain suburban farm and establish a country club house for the resort of its members during the summer. Mr. Thompson moved to amend Mr. Wilson's motion by constituting the President, Secretary and Treasurer of the club a committee to ascertain and report upon the feasibility of sharing in the use of a joint country club house with the Templeton Racquet Club. Mr. Harding moved to amend Mr. Thompson's amendment by directing said committee, instead of investigating the matter of the country club, to prepare plans for alterations to the present club house.

Upon a point of order Mr. Harding's amendment was ruled out of order because not germane to the original motion.

PROBLEM N

Indefinite Postponement

During a prolonged debate at one of the club meetings a motion was made and carried indefinitely to postpone the question before the club. Later, and after further business had been transacted, Mr. Wilson, who had opposed the motion to postpone indefinitely, moved to take up the question which had been indefinitely postponed. The point of order was made that a motion to postpone indefinitely, while in form a mere postponement, was in fact the final defeat of the motion to which it related. The point was sustained by the President, and Mr. Wilson's motion was declared out of order. By common consent, this motion has been construed as final, disposing of the subject to which it relates. Had the postponement been to a definite time, or merely "for the present," it would have been perfectly proper to have taken the subject up again. It must be remembered, however, that an indefinite postponement only operates to defeat the motion during that meeting of the club, or the official life of the body which passes it. The matter can again be brought up at another meeting upon a new motion. In bodies, however, whose meetings

are officially prolonged from day to day—as the Congress of the United States, or the state legislatures—the defeat of a subject by a motion to indefinitely postpone is final during that session. In these bodies, the daily meetings do not constitute separate and complete sessions. The entire session (as for example, the Fifty-eighth session of the Congress of the United States) constitutes a single meeting in law, although it may extend over a number of months.

PROBLEM O

Speaking More Than Once

During one of the club meetings, Mr. Harding arose to address the chair, whereupon Mr. Wilson raised the point of order that, as Mr. Harding had already spoken several times upon the motion then before the club, he was now out of order. The President thereupon asked if any other member than Mr. Harding desired to speak upon the motion, and when several members who had not yet spoken signified their wish to speak, he sustained Mr. Wilson's point of order. While the general rule is clear that no member shall be allowed to speak more than once upon the same subject, it is a matter as to which a tactful pre-

siding officer will exercise his judgment. It is intended, not as means of preventing any member from fully expressing himself, but to secure that right to all members. If, therefore, no other member than Mr. Harding was desirous of speaking, it would have been entirely proper to allow him the further opportunity to be heard. Upon the other hand, it is a rule whose enforcement is sometimes of the utmost importance. In all deliberative bodies there are apt to be a few persons whose method—or rather want of method—of debate is to speak by piecemeal. A little previous deliberation would enable such persons to express themselves fully, and with much greater profit alike to themselves and their auditors, in a single speech. It is the duty of the presiding officer to bring them to a realizing sense of this fact.

PROBLEM P

A Motion to Reconsider an Undebatable Motion is Itself Undebatable

At a certain meeting of the club, during the course of a debate, Mr. Wilson moved to lay the motion which was then before the meeting upon the table. Mr. Thompson arose to oppose the

motion, whereupon Mr. Harding raised the point of order that the motion to lay on the table was not debatable. The President sustained the point of order and proceeded to put the motion to a vote. The motion to lay on the table was carried. Later during the same meeting Mr. Jones, who had voted in favor of the motion to lay on the table, moved to reconsider the vote by which that motion was carried. Mr. Thompson arose and began to advocate the motion to reconsider by speaking upon the merits of the original motion—the motion which had itself been laid on the table. Mr. Harding raised the point of order that, on a motion to reconsider a motion to lay on the table, there could be no discussion of the merits of the principal motion.

The President sustained the point of order. As the motion to lay on the table was not itself debatable it could not, of course, be made the excuse for debating the original resolution. Its purpose was to cut off debate and compel an immediate vote. If the motion to lay on the table did not authorize a discussion of the merits of the principal question, much less would a motion to reconsider that motion (to lay on the table) accomplish that result. Otherwise the motion to

reconsider could be made a mere subterfuge by which a member would obtain the privilege of debating a motion which, under parliamentary law, is not debatable.

PROBLEM Q

Right to Secret Ballot

At the annual election of the officers of the club only one person was placed in nomination for each of the offices. Mr. Wilson suggested that the vote be taken upon all of said candidates at the same time. The motion was carried by a majority vote. The chairman then put the question upon the election by a rising vote. A clear majority voted for the election of the entire set of candidates, and the chairman was about to declare them each elected to the office for which he had been named.

Mr. Gray raised the point of order that under the club by-laws all officers must be elected by ballot.

Mr. Wilson thereupon moved that the secretary be instructed to cast one ballot for each of the nominees. The motion was carried by a clear majority, and the chairman was about to instruct the secretary to prepare the ballot. Mr. Gray

objected, and raised the point of order that the motion for a single ballot could not prevail against the objection of any member present and entitled to vote. That the vote by ballot carried with it the incident of secrecy; that members had the right to vote for, and elect persons who had not been placed in formal nomination, and to do so, if they chose, without publicly disclosing their choice. That by entertaining the motion to substitute a public, for a secret, ballot members were compelled openly to take sides upon the main question—the fitness of the nominees for their respective offices. That it was, therefore, a violation of the constitutional right to a secret ballot to substitute the election by motion against a single objection. Upon reflection the president sustained the point of order.

XV

MEMORIALS AND RESOLUTIONS

THE duty of preparing formal resolutions to meet the varied exigencies of social and business life is one which is liable to fall upon the average American man of affairs at almost any moment of the day or night. It usually comes in connection with his appointment upon a special committee which is expected to present "exactly the right thing" in the briefest possible time. The task is not an easy one—as is too frequently made apparent by the result. It has been thought advisable, therefore, to include in this little volume a number of approved forms which, by the exercise of reasonable judgment, may be adapted to the requirements of actual use.

Resolution adopted upon the death of a distinguished club member

WHEREAS, by the mysterious dispensation of Providence, William T. Bernard, one of the charter members of this club, has been suddenly re-

moved from our midst, and it is our desire, in some permanent form, to testify our grateful appreciation of his life among us, and our sorrow at his departure : Now, therefore, be it

Resolved, that we, the members of the Carlton City Club, in special meeting assembled, do make this record of our affectionate respect for our departed friend. During an unbroken association of more than a score of years we found him ever alert to the interests of our club and keenly alive to all which might affect its highest welfare ; as its President for almost a decade, he presided over its deliberations with dignity and administered its affairs with wisdom ; as its official representative in the National Federation of Municipal Clubs and upon other numerous occasions of great public importance he fulfilled his duties in such a manner as to command alike our gratitude and our pride. As a man of business he held the respect and confidence of all who knew him, and his conspicuous executive ability caused him to be widely sought as an associate in enterprises of the utmost moment. As a patriotic citizen, an earnest advocate of municipal reform, a sympathizer with all good work, an affectionate husband and beloved parent, he filled to completion

the definition of a good man. He has gone to his reward, but his memory shall long be with us.

Resolved, that these resolutions be entered upon the minutes of the club, and a copy thereof be sent to the family of our late brother.

Resolution of thanks to a distinguished orator

WHEREAS, it has been the very great privilege of the members of this club to listen to the exceedingly able and entertaining address upon "Our Neglected Duties to Our City," delivered upon the occasion of the club's Seventh Anniversary Banquet, by the Hon. Floyd T. Johnson, which address was so notable in character as to merit a much wider circulation than our own membership: Therefore be it, *Resolved*, that the President, Secretary and Treasurer are hereby constituted a special committee to cause said address to be printed and suitably bound for circulation; that the number of copies so to be published shall be determined by the committee, *provided, however*, that the number shall not be less than five thousand nor more than twenty thousand, unless by order of the Board of Governors; that at least one thousand of said copies shall be placed at the disposal of Mr. Johnson, to be mailed at the club's

charge to such organizations or persons as he shall suggest; and, further, *Resolved*, that the thanks of this club are hereby tendered to Mr. Johnson for his masterful and convincing presentation of a most important theme, and that a copy of these resolutions, properly engrossed, be presented to him by the committee.

Resolution requesting a distinguished citizen to become a candidate for the office of Mayor

WHEREAS the only practical means by which good government can be established and assured to our city is by the nomination and election of honest and able men to those offices which shape and control our municipal destinies; and WHEREAS such men as are imperatively needed for the public service are usually found to be deeply engrossed in important private undertakings of themselves and their associates, it therefore sometimes becomes necessary, in the interests of the public, to ask that private business and personal inclination be temporarily sacrificed; and, WHEREAS, in the judgment of thousands of our most thoughtful citizens, our municipal affairs have now reached a condition so critical as to threaten the public welfare in many direc-

tions, *now therefore*, be it *Resolved*, that the Carlton City Club, speaking not only for its own membership, but for thousands of independent voters, suggests the name of the Hon. William Q. Parker as a candidate for the office of Mayor, and in so doing, urges upon him and upon those whose commercial fortunes are united with his own, the duty of thrusting aside, for the present, the activities of the merchant, on behalf of the interests of the great city to which we all owe allegiance.

Resolved, that a committee of nine be appointed by the chair to wait upon Mr. Parker with a copy of these resolutions, and earnestly to urge that he at once permit his friends to announce his candidacy; *Resolved*, that a copy of these resolutions be given to the public press.

*Resolution in recognition of the faithful services
of a club Treasurer*

WHEREAS, Mr. J. Henry Thurston, who has held the office of Treasurer of this club ever since its organization, has, by reason of impaired health, declined reelection for an eighth term to that arduous and responsible post, in which conclusion the club membership finds itself reluctantly com-

pelled to concur ; and WHEREAS, throughout his long service, he has performed his official duties with exceptional promptness, accuracy and ability, and has, at all times, maintained the most friendly relations with those with whom he came in contact, and in every way has filled the office of Treasurer to the enthusiastic satisfaction of the club : Now, therefore, as an expression of our personal regard for the man, and our deep appreciation of his value as an officer, be it *Resolved*, that the Carlton City Club hereby tenders to Mr. Thurston its sincere and heartfelt thanks for his years of devoted service as its Treasurer, and expresses the hope that his withdrawal from active business may be speedily followed by his complete restoration to health ; and further, *Resolved*, that the President be hereby authorized and requested to procure and, in the name of the club, present to our late Treasurer, as a testimonial of our regard, a gold watch charm wrought in the form of a disk and bearing upon one of its surfaces the seal of this club, and upon the other some inscription deemed suitable to the circumstances and occasion. *Further Resolved*, that a copy of these resolutions, suitably engrossed, be presented to Mr. Thurston by the Secretary.

*Resolution authorizing a mortgage of real estate
for the purpose of improvement*

WHEREAS the requirements of the Carlton City Club have greatly outgrown the accommodations of its present club house, thereby making it necessary that the organization shall either find new quarters or very considerably modify and enlarge its present building ; and WHEREAS, the present location of the club is all that can be desired, and the present grounds are sufficiently large to receive the needed addition to the club building, *now therefore* be it *Resolved*, that the proper officers of the club be, and they are hereby authorized and directed to prepare plans and invite estimates for such alterations and additions to the present club house as shall render it adequate to the present and prospective needs of the club ; that, upon the receipt of said estimates, they shall proceed to borrow such a sum of money upon the credit of the club as shall be required to carry out said improvements, and that, to secure the repayment of said loan, they shall execute and deliver the bond or bonds of the club, together with a mortgage upon the real estate now owned and occupied by it, and that they, the said officers, on behalf of the club, shall deter-

mine the rate of interest, the term for which said bonds and mortgage shall be issued, and all other details growing out of or incidental to said transaction, *provided, however*, that the rate of interest shall not exceed six per cent. per annum and the duration of the loan shall not be less than ten years; and this meeting does hereby affirm all acts and things hereafter done and documents executed and delivered by its said officers in pursuance of this authority as fully and effectually as if the same were done, signed, executed and delivered by the express prior authority of this meeting.

XVI

A FORM OF CONSTITUTION AND BY-LAWS

IN drawing up the following Constitution, By-laws and Rules of Order it is not intended therein to present a code which should be adopted without alteration by any new society. The design is, however, to make them sufficiently full and general in their character to suggest to the reader the nature and extent of the required changes and adaptations. It is, of course, understood that organizations which are to operate under legislative Acts of Incorporation, or charters granted by the courts, will substitute such Acts or Charters for the constitution herein presented.

CONSTITUTION

I

The name of this organization is **THE HAWTHORNE CLUB**.

II

The objects of the Hawthorne Club are the cultivation of the literary powers and tastes of its

members; the promotion of social enjoyment among themselves, and the entertainment of congenial guests. For these purposes it will maintain a club house in the City of Philadelphia.

III

The qualifications for active membership in this club shall include the authorship of one or more published books, articles, stories, poems, essays or plays, and the compliance with such conditions as to age, residence, citizenship and personal character as may be required by the club By-laws. The By-laws may further provide for Non-resident, Honorary, Corresponding, or other non-voting memberships, *provided, however*, that such memberships shall be limited in all to not more than one hundred persons and that no property rights shall be acquired thereby.

IV

The business of the club shall be controlled and managed by a Board of seven Directors, who shall be elected by the active members in such manner and for such terms as shall be provided in the By-laws. The executive officers of the

club shall be a President, a Vice-President, a Secretary, a Treasurer, and such others as may be authorized in the By-laws. Such officers shall be elected by the active members, and need not be members of the Board of Directors.

V

The active members, at a meeting or meetings duly called for that purpose, may adopt such By-laws and Rules of Order as they shall consider proper for the government of this club, *provided* such By-laws and Rules of Order shall not contravene this constitution or the laws of the land.

VI

This constitution may be amended in any particular by a vote of not less than three-fourths of the entire active membership at a meeting duly called for that purpose, *provided, however*, that written notice of the time and place of the meeting, and of the sections of the constitution which it is proposed to amend, shall be mailed to the active members not less than ten days prior to the date of such meeting. At such meeting no section of the constitution can be

amended which was not so specified in the written notice aforesaid.

BY-LAWS AND RULES OF ORDER

By authority of Section V of the constitution of the Hawthorne Club, the active members thereof, at a meeting duly called and held for that purpose, did enact and adopt the following By-laws, and Rules of Order for the government of the club.

ARTICLE I

Membership

Active Membership.—Any man or woman possessing the literary qualifications specified in Section III of the constitution and residing within the City of ——— may apply for active membership in this club. The application must be in writing, signed by the candidate and accompanied by the written endorsement of two active members in good standing. The application must be filed with the Secretary, who, promptly upon receipt of the same, shall send a written or printed notice thereof to every active member of the club. Said notice shall give the names and addresses of the applicant and endorsers, and

briefly the literary qualifications of the applicant. It shall invite any member possessed of information bearing on the candidate's fitness for membership to communicate the same in writing to the chairman of the Committee on Membership. Immediately upon sending out said notices the Secretary shall deliver the application to the chairman of the Committee on Membership.

The Committee on Membership shall proceed to investigate the fitness of the candidate, not only as to literary qualifications, but as to character and probable acceptability to the existing membership. All written communications received by said committee or its chairman, bearing upon the character of the applicant, shall be returned to those who may have sent them immediately upon the election, rejection, or withdrawal of the candidate.

The Committee on Membership shall report finally upon each application within six months from its receipt by the chairman, unless, upon request, the club shall grant further time for consideration. The report shall be made to a regular meeting of the club and shall recommend either that the candidate be elected or rejected. If the application shall have been withdrawn,

the committee shall report that fact to the meeting, and no vote or discussion shall be had upon the candidate or application.

When the recommendation of the committee has been received the club shall proceed to consider and vote upon the application.

The election may be either by ball or paper ballot, and three black balls or negative votes shall defeat the candidate. No application once delivered to the chairman of the Committee on Membership shall, if the same be withdrawn or the candidate be defeated, be renewed within a year from the date of said withdrawal or defeat.

Non-Resident Membership.—Any man or woman, possessing the qualifications specified in Article I, other than that of residence in the City of ———, shall be eligible for non-resident membership. The proceedings necessary to acquire such membership shall be the same that are prescribed for acquiring active membership. The non-resident membership of the club is hereby limited to fifty.

Honorary Membership.—The club, at any regular meeting, may, by a unanimous vote of those present, elect any distinguished author to Honorary Membership, *provided, however,* that

notice of such intended action shall have been given with notice of the meeting, and that the Honorary Membership of the club shall not exceed fifty.

ARTICLE II

The Board of Directors

The Board of Directors, at its first meeting, shall so classify its members that one of them shall go out of office at the end of the first year, three of them at the end of the second year, and three of them at the end of the third year. Thereafter, all elections to the office of Director shall be for the term of three years, unless it be to fill an unexpired term. Any vacancy occurring in the Board by death, resignation or otherwise, may be filled by the Board until the next election by the club.

ARTICLE III

Executive Officers and Their Duties

The executive officers of the club shall be a President, a Vice-President, a Secretary, a Treasurer, and a Secretary-Treasurer. The duties of the first four of said enumerated officers shall be such as usually appertain to said offices. The

Secretary-Treasurer shall render such assistance to the Secretary and Treasurer as may from time to time be required.

The Board of Directors may, as occasion shall require, appoint such agents and employees as may seem to it necessary for the proper conduct of the club, and shall prescribe their several duties, and fix their compensation. The directors and executive officers shall be elected by a plurality vote, *provided, however*, that it shall require at least ten favorable votes to elect.

ARTICLE IV

Meetings

The stated meetings of the club shall be held upon the first Tuesday of each month except the months of July, August and September, at 8 o'clock P. M. Special meetings may be called at any time by the President, and must be called by the Secretary at the written request of ten active members. The Secretary shall give at least twenty-four hours' written notice of any special meeting, and five days' notice of any stated meeting. The notice of a special meeting shall briefly specify the business for which it has been called, and at such meeting no business not so specified (other

than that relating to the conduct of the meeting itself or to the calling of another meeting) can be transacted.

All special and stated meetings, duly called and held, shall be regarded as regular meetings within the meaning of the Constitution and By-laws of this club.

The Board of Directors shall make such rules as to the date and place of its own meetings, as may suit the convenience of its members provided that it shall hold at least one business meeting during every period of two months, except between the last day of June and first day of October.

It shall also enact such reasonable rules as to the conduct of its members and the transaction of its business as may from time to time seem needful.

Unless temporarily modified by the action of the club, the Order of Business at the club meetings shall be as follows :

- I. Calling to order.
- II. Reading the minutes of the previous meeting.
- III. Reports of officers.
- IV. Reports of committees.

1. Finance Committee.
2. Committee on Membership.
3. House Committee.
4. Committee on Miscellaneous Business.
5. Special Committees.

V. Unfinished Business.

VI. New Business.

VII. Adjournment.

At a Special Meeting the Order of Business, unless otherwise directed by the meeting, shall consist of:

- I. Calling to order.
- II. The announcement of a quorum.
- III. The business specified in the notice of the meeting.
- IV. Adjournment.

ARTICLE V

Quorum

A quorum for a regular meeting of the club shall consist of twenty active members, and of a meeting of the Board of Directors, of four members. The quorum for any standing or special committee shall be a majority of its membership. Proxies shall not be allowed at any meetings

either of the club, the Board of Directors or committees, except that at a meeting of the club any member absent by reason of sickness or absence from the city may be recognized by proxy by unanimous consent of those present.

ARTICLE VI

Committees

The standing committees of this club are a Committee on Finance, a Committee on Membership, an Entertainment Committee, a House Committee and a Committee on Miscellaneous Business. The Committee on Finance shall consist of three members, and each of the other standing committees shall consist of five members. The Committee on Finance shall be elected annually, and the other committees shall be appointed by the President of the club.

The club may, from time to time, create such special committees as may be necessary or convenient for the conduct of its affairs, and, unless otherwise provided in the motion therefor, such committees shall be appointed by the then presiding officer.

The Committee on Finance shall have general charge of the financial affairs of the club, shall

recommend investments, see that the Treasurer's accounts are properly audited at least once each year, and perform such other duties relating to the financial business of the club as shall be required by the club or the Board of Directors.

The Committee on Membership shall receive all applications for membership from the Secretary and proceed to investigate the fitness of the candidate. It shall make prompt and impartial reports to the club meetings in accordance with the By-laws.

The Entertainment Committee shall have charge of such entertainments or performances as the club shall, from time to time, direct for the benefit of its members, and, where no special committee has been appointed for the purpose, it shall receive and entertain the club guests.

The House Committee shall have general charge of the club house, and shall formulate such reasonable rules as may be needful for the protection of the club property and the equal enjoyment thereof by the various members. It shall also have supervision of the club steward and direct the purchase of the necessary club supplies. All complaints relating to the house management or to incidents occurring therein shall

be reported to this committee, which shall give them prompt attention.

The Committee on Miscellaneous Business shall have charge of all business requiring committee action, and not otherwise provided for.

ARTICLE VII

Initiation Fee and Dues

The entrance fee for resident members shall be fifteen dollars, and the annual dues shall be twenty dollars. There shall be no entrance fee for non-resident members, but such members shall pay ten dollars annual dues. The entrance fee shall be payable by the candidate immediately upon receiving notice of his election, and if not paid within thirty days thereafter, the candidate shall thereby forfeit his right to admission.

The annual dues are payable upon the first day of January in advance, and if not paid within sixty days thereafter, the Treasurer shall notify the member of his default. If the dues are not paid within thirty days after said notice, the member in default shall thereby forfeit his membership, and all rights and privileges connected therewith shall immediately cease.

ARTICLE VIII

Penalties

Any member whom the House Committee shall report as guilty of grossly improper conduct may, upon a vote of two-thirds of those present at a regular meeting of the club, be suspended, required to apologize, or directed to make such other reparation as may be appropriate to the offense. If the offense is one which, in the judgment of the meeting, renders the offender an undesirable member, or if, after the imposition of any penalty less than expulsion, he shall have refused to comply with the order of the meeting, the offending member may, by a vote of three-fourths of the active members present at any regular meeting, be expelled. Upon such expulsion all rights and privileges growing out of membership shall immediately cease.

ARTICLE IX

Special Rules of Order

1. A motion for the previous question shall not be put to vote until it has been called or seconded by at least five members.
2. A motion to reconsider must be made at

the same meeting as the original motion, unless at that meeting due notice be given of an intention to move the reconsideration at the next regular meeting.

3. Immediately upon the announcement of any vote any member may call for a division. The chair must thereupon restate the question and put the same, without debate, to a rising vote. The result must be ascertained and announced by the Secretary.

4. Any motion which has been laid upon the table may, at the same meeting, be taken therefrom for discussion and action by an affirmative vote of two-thirds of those present and voting.

5. No appeal from the decision of the chair shall be allowed unless upon the demand of at least three active members made immediately upon the announcement of the decision from which it is taken. The chairman may briefly state the reasons for his decision, but the appeal shall not be debated by the members.

6. ——— Manual shall be the authority upon which all questions of order arising in this club shall be decided, unless the point is ruled by express provisions of the foregoing Constitution, By-laws or Rules of Order.

ARTICLE X

Suspension and Amendment of these By-laws

Any of these By-laws, other than this Article and Article V, may be suspended for the time being by the unanimous consent of those present at any regular meeting of the club.

Any of these By-laws may be altered, amended or repealed at any regular meeting of the club by a three-fourths vote of the active members present, *provided, however*, that notice in writing of the article proposed to be amended shall have been given with the notice of the meeting.

APPENDIX

CONSTITUTION OF THE UNITED STATES¹

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and

¹The Constitution of the United States was adopted by a convention of the several States, September 17, 1787. It was ratified by the States, as follows : Delaware, December 7, 1787 ; Pennsylvania, December 12, 1787 ; New Jersey, December 18, 1787 ; Georgia, January 2, 1788 ; Connecticut, January 9, 1788 ; Massachusetts, February 6, 1788 ; Maryland, April 28, 1788 ; South Carolina, May 23, 1788 ; New Hampshire, June 21, 1788 ; Virginia, June 26, 1788 ; and New York, July 26, 1788.

Thus, on the 4th of March, 1789, the day fixed for commencing the operations of government under the new Constitution, it had been ratified by more than the required number of States.

North Carolina ratified it November 21, 1789 ; Rhode Island, on May 29, 1789, and Vermont, on January 10, 1791.

our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

Section I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Section II. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of

years, and excluding Indians not taxed, three fifths of all other persons.]¹ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers ; and shall have the sole power of impeachment.

Section III. The Senate of the United States shall be composed of two Senators from each

¹The clause included in brackets is amended by the XIVth Amendment, 2d section.

State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of

the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section IV. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section V. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section VI. The Senators and Representatives shall receive a compensation for their services,

to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Section VII. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign

it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by

him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and

the authority of training the militia according to the discipline prescribed by Congress ;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Section IX. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebel-

lion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and the expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section X. No State shall enter into any

treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty or tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

Section I. The executive power shall be vested
a President of the United States of America.

He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors

appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]¹

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a

¹This clause in brackets has been superseded by the XIIth Amendment.

citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.”

Section II. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law

vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of laws, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section III. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV. The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Section I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section II. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty, and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public

ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the State where the said crimes shall have been committed ; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV

Section I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section II. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by

the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section IV. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legisla-

tures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State

legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

AMENDMENTS¹

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in the time of war, but in a manner to be prescribed by law.

¹ The first ten amendments to the Constitution were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789, and were ratified by the States between that date and December 15, 1791. There is no evidence on the journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein

the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.¹

ARTICLE XII

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall

¹ The Eleventh Amendment was proposed to the legislatures of the several States by the Third Congress on the 5th of September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States.

make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon

them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.¹

ARTICLE XIII

Section I. Neither slavery nor involuntary servitude, except as a punishment for crime

¹ The Twelfth Amendment was proposed to the legislatures of the several States by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of Section I of Article II, and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States.

whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section II. Congress shall have power to enforce this article by appropriate legislation.¹

ARTICLE XIV

Section I. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

¹ The Thirteenth Amendment was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States, viz: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

Section II. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of the State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section III. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State

legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Section IV. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section V. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.¹

¹The Fourteenth Amendment was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 16th of June, 1866. On the 28th of July, 1868, the Secretary of State issued a proclamation declaring that this amendment had been ratified by the legislatures of thirty of the thirty-six States.

ARTICLE XV

Section I. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Section II. The Congress shall have power to enforce this article by appropriate legislation.¹

¹The Fifteenth Amendment was proposed to the legislatures of the several States by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States.

DECLARATION OF INDEPENDENCE.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of Nature and Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form

as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes ; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves, by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world :

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless sus-

pended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of the public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time after such dissolution to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the State remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these States, for that purpose obstructing the laws of naturalization of foreigners; refusing to

pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount of payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offenses :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our government :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of

foreign mercenaries to complete the works of death, desolation, and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarranted jurisdiction over us. We

have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and by right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish com-

merce, and do all other acts and things which independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

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